

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION) MDL No. 1:13-md-2419-FDS
)
This Document Relates to:)
All Cases)
)

**ASSENTED-TO MOTION OF CHAPTER 11 TRUSTEE AND OFFICIAL COMMITTEE
OF UNSECURED CREDITORS FOR EXTENSION OF TIME TO RESPOND TO
ROANOKE GENTRY LOCKE PLAINTIFFS' RENEWED MOTION
FOR MANDATORY OR PERMISSIVE ABSTENTION**

Pursuant to Federal Rule of Civil Procedure 6(b), the chapter 11 trustee (the “Trustee”) for the bankruptcy estate of New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (“NECC”) and the Official Committee of Unsecured Creditors in the chapter 11 case of NECC (the “Official Committee” and, together with the Trustee, the “Movants”), by and through their respective undersigned counsel, hereby move this Court to extend the deadline for responding to the *Roanoke Gentry Locke Plaintiffs’ Renewed Motion for Mandatory or Permissive Abstention* [D.I. 763] (the “Abstention Motion”) for four days, until January 27, 2014.

1. On December 27, 2013, the Trustee filed the *Chapter 11 Trustee’s Renewed and Supplemental Motion to Transfer Additional Personal Injury Tort and Wrongful Death Cases to this Court Pursuant to 28 U.S.C. §§ 157(B)(5) and 1334* [Dkt. No. 732] (the “Transfer Motion”) and accompanying memorandum of law [Dkt. No. 733] (the “Memorandum of Law”). Through the Transfer Motion, the Trustee seeks to transfer to this Court the personal injury and wrongful death cases identified on Exhibit 1 to the Memorandum of Law (the “State Court Actions”), in which the defendant, Insight Health Corp. (“Insight”), has recently asserted claims for indemnity

and contribution against NECC. The Official Committee has filed a joinder to the Transfer Motion. [Dkt. No. 743].

2. Several parties in interest, including the Roanoke Gentry Locke Plaintiffs,¹ have filed oppositions and responses to the Transfer Motion (collectively, the “Transfer Oppositions”). [Dkt. Nos. 764, 766, 789, 792]. In the Transfer Oppositions, parties argue, *inter alia*, that this Court should or must abstain from exercising jurisdiction over the State Court Actions under 28 U.S.C. § 1334(c)(1) and (c)(2), respectively. At the status conference held before this Court on January 10, 2014, this Court stated that the Trustee and the Committee may file a reply to the Transfer Oppositions on or before January 27, 2014.

3. On January 9, 2014, the Roanoke Gentry Locke Plaintiffs filed the Abstention Motion. Through the Abstention Motion, the Roanoke Gentry Locke Plaintiffs likewise move this Court to abstain from exercising jurisdiction over nineteen of the State Court Actions under 28 U.S.C. § 1334(c)(1) and (c)(2). See Abstention Motion at 2. Responses to the Abstention Motion are currently due January 23, 2014.

4. Movants now request an extension of time of four days, to January 27, 2014, to respond to the Abstention Motion so that Movants may submit a consolidated response to the Abstention Motion and the Transfer Oppositions. On January 21, 2014, counsel for the Roanoke Gentry Locke Plaintiffs assented to this brief extension. A stipulated proposed order is attached hereto as Exhibit A.

[Remainder of page intentionally left blank]

¹ The Roanoke Gentry Locke Plaintiffs are nineteen individuals with cases pending against Insight and its affiliates.

Dated: January 22, 2014
Boston, Massachusetts

Respectfully submitted,

DUANE MORRIS LLP

By: /s/ Michael R. Gottfried
Michael R. Gottfried (BBO #542156)
100 High Street, Suite 2400
Boston, MA 02110-1724
Phone: (857) 488-4200
Fax: (857) 488-4201
Email: mrgottfried@duanemorris.com

*Counsel for PAUL D. MOORE, in his capacity as
Chapter 11 Trustee of the Defendant New England
Compounding Pharmacy, Inc., d/b/a New England
Compounding Center*

- and -

BROWN RUDNICK LLP

By: /s/ David J. Molton
David J. Molton, Esq.
Seven Times Square
New York, New York 10036
Telephone: (212) 209-4800
Facsimile: (212) 209-4801
dmolton@brownrudnick.com

and

William R. Baldiga, Esq.
Kiersten A. Taylor, Esq.
One Financial Center
Boston, Massachusetts 02111
Telephone: (617) 856-8200
Facsimile: (617) 856-8201
wbaldiga@brownrudnick.com
ktaylor@brownrudnick.com

and

Rebecca L. Fordon, Esq.
2211 Michelson Drive, 7th Floor
Irvine, California 92612
Telephone: (949) 752-7100
Facsimile: (949) 252-1514
rfordon@brownrudnick.com

*Counsel to the Official Committee of Unsecured
Creditors of New England Compounding
Pharmacy, Inc.*

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION) MDL No. 1:13-md-2419-FDS
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**STIPULATED ORDER EXTENDING THE CHAPTER 11 TRUSTEE'S AND OFFICIAL
COMMITTEE OF UNSECURED CREDITORS' DEADLINE FOR RESPONDING TO
ROANOKE GENTRY LOCKE PLAINTIFFS' RENEWED MOTION FOR
MANDATORY OR PERMISSIVE ABSTENTION**

The chapter 11 trustee (the “Trustee”) for the bankruptcy estate of New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (“NECC”), the Official Committee of Unsecured Creditors (the “Official Committee”) in the chapter 11 case of NECC, and the Roanoke Gentry Locke Plaintiffs, by and through their respective counsel, having stipulated and agreed to the extension of time for the Trustee and the Official Committee to respond to the *Roanoke Gentry Locke Plaintiffs’ Renewed Motion for Mandatory or Permissive Abstention* (the “Abstention Motion”) until January 27, 2014, and for good cause shown;

IT IS HEREBY ORDERED that the time by which the Trustee and the Official Committee must respond to the Abstention Motion is extended from January 23, 2014 to January 27, 2014.

Dated: _____

Hon. F. Dennis Saylor, IV
U.S. District Court Judge

So Stipulated and Agreed:

DUANE MORRIS LLP

By: /s/ Michael R. Gottfried
Michael R. Gottfried, Esq. (BBO #542156)
100 High Street, Suite 2400
Boston, MA 02110-1724
Phone: (857) 488-4200
Fax: (857) 488-4201
Email: mrgottfried@duanemorris.com

Counsel for PAUL D. MOORE, in his capacity as Chapter 11 Trustee of the Defendant New England Compounding Pharmacy, Inc., d/b/a New England Compounding Center

**GENTRY LOCKE RAKES & MOORE,
LLP**

By: /s/ J. Scott Sexton
J. Scott Sexton, Esq.
Anthony M. Russell, Esq.
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Telephone: (540) 983-9300
Facsimile: (540) 983-9400
sexton@gentrylocke.com
russell@gentrylocke.com

Counsel for Roanoke Gentry Locke Plaintiffs

BROWN RUDNICK LLP

By: /s/ David J. Molton
David J. Molton, Esq.
Seven Times Square
New York, New York 10036
Telephone: (212) 209-4800
Facsimile: (212) 209-4801
dmolton@brownrudnick.com

and

William R. Baldiga, Esq.
Kiersten A. Taylor, Esq.
One Financial Center
Boston, Massachusetts 02111
Telephone: (617) 856-8200
Facsimile: (617) 856-8201
wbaldiga@brownrudnick.com
ktaylor@brownrudnick.com

and

Rebecca L. Fordon, Esq.
2211 Michelson Drive, 7th Floor
Irvine, California 92612
Telephone: (949) 752-7100
Facsimile: (949) 252-1514
rfordon@brownrudnick.com

Counsel to the Official Committee of Unsecured Creditors of New England Compounding Pharmacy, Inc.

CERTIFICATE OF SERVICE

I, Carol S. Ennis, hereby certify that on January 22, 2014, I caused a copy of the foregoing Assented to Motion to be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, by first class mail, postage prepaid.

Dated: January 22, 2014
Boston, Massachusetts

/s/ Carol S. Ennis
Carol S. Ennis

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